

ORDINANCE 2015-04

AN ORDINANCE AMENDING ORDINANCE 2008-12 TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES IN TOWN-OWNED FACILITIES

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Whitestown" or "Town") previously adopted Ordinance No. 2008-12, An Ordinance Regulating Smoking in Public Places and Places of Employment ("Ordinance 2008-12"); and

WHEREAS, the Indiana General Assembly has further enacted IC § 7.1-5-12 to prohibit smoking in public places and places of employment; and

WHEREAS, IC § 7.1-5-12-13 permits a local government unit to adopt more restrictive regulations for smoking related activities; and

WHEREAS, the Town Council has determined that in order to promote the general health, safety, and welfare of the Whitestown community, it is in the best interest of Whitestown to limit exposure to electronic cigarette vapors in Town-owned facilities.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. Section 1.01 of Ordinance No. 2008-12 is amended to include the following additional definition:

"Electronic Cigarette" means any device which in operation causes the user to inhale any smoke, vapor, or other substance delivering a dose of nicotine. "Electronic Cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor.

2. Section 1.02 of Ordinance No. 2008-12 is hereby amended to prohibit the use of electronic cigarettes in all Town-owned facilities, in addition to the prohibition on smoking in those areas. Section 1.02 is accordingly restated in its entirety as follows:

Sec. 1.02. Application to Town-Owned Facilities; Electronic Cigarettes

All enclosed facilities owned by the Town of Whitestown shall be subject to the provisions of this chapter, including Town vehicles, whether or not they are occupied by more than one person. In addition, the inhalation or exhalation of vapors or other substances from an electronic cigarette is prohibited in all Town-owned facilities, including Town vehicles.

3. "No Smoking" signs at Town-owned facilities should be updated to include a reference that the prohibition against smoking includes the use of electronic cigarettes.

4. A person who uses an electronic cigarette where prohibited by this Ordinance shall be guilty of an infraction, punishable by a fine of fifty dollars (\$50).
5. The use of electronic cigarettes as prohibited by this Ordinance shall be enforced as set forth in Ordinance 2008-12.
6. The amendments set forth herein shall supersede any inconsistent provision in Ordinance 2008-12. However, all other portions of Ordinance 2008-12 shall remain in full force and effect. The paragraphs, sentences, definitions, and words of this Ordinance are separable, and this Ordinance is separable from Ordinance 2008-12. If a court of competent jurisdiction hereof declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of this Ordinance or Ordinance 2008-12.
7. This Ordinance shall be effective immediately upon its adoption and any publication as may be required by law.

Introduced on March 10, 2015, and adopted by the Town Council of the Town of Whitestown, Indiana, on _____, 2015.

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

YAY/NAY

Eric Miller, President

Julie Whitman, Vice President

Dawn Semmler, Member

Susan Austin, Member

Kevin Russell, Member

ATTEST:

Amanda Andrews, Clerk-Treasurer
Town of Whitestown, Indiana
2721146